

MADISON COUNTY BOARD OF SUPERVISORS MEETING

Date: 7:00PM — Wednesday, December 1st, 2021
Location: Admin. Building Auditorium, 414 N. Main Street

MEETING #35 — December 1st

At a Joint Meeting of the Board of Supervisors on Wednesday, December 1st at 7:00PM in the Admin. Building Auditorium:

PRESENT: R. Clay Jackson, Chair
Charlotte Hoffman, Vice-Chair
Amber Foster, Member *Virtual*
Kevin McGhee, Member
Carty Yowell, Member
Jonathon Weakley, County Administrator
Sean Gregg, County Attorney
Alan Berry, Deputy Clerk

ABSENT:

The Board convened in open session after the conclusion and adjournment of the Planning Commission's meeting.

CALL TO ORDER, PLEDGE OF ALLEGIANCE & MOMENT OF SILENCE

DETERMINE PRESENCE OF A QUORUM/ADOPTION OF AGENDA

Chairman Jackson advised that a quorum was present.

Chairman Jackson, on the advice of the County Administrator, recommended the following changes to the agenda:

Information/Correspondence:

1. Board Meeting Schedule

Supervisor Hoffman made a motion to approve the agenda as amended, seconded by Supervisor McGhee. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment.

Mike Fisher of Uno Virginia was present and asked about the tower project at Uno which had been discussed previously, but seems to have been ignored recently.

The County Planner informed Mr. Fisher that the owner is currently in talks with the Rothers about potentially relocating the site; as of now, it is between the County's legal counsel and the

Rothers' attorney. Said that he had heard that the next time the case will be back in court will be March.

Mike Fisher stated that Uno really needed cell service and asked the County to do whatever it can to get the project going.

With no further public comments being brought forth, the public comment session was closed.

PUBLIC HEARINGS

- A. **Case No. OA-12-21-14:** Amending the Zoning Ordinance, specifically article 14-19-3 (Conditions for the Establishment and Operation of Commercial Solar Energy Facilities), section B (Location/Setback), numbers two (2) and four (4). The amendments would reduce the required minimum perimeter setbacks for solar facilities from 300 feet to 100 feet, require perimeter fencing to be installed inside the vegetative buffer, and subject fencing placement to (other) potential conditions as specified in the special use permit.

Chairman Jackson opened the floor to public comment on the case. With no public comment being brought forth, the public comment opportunity was closed.

Chairman Jackson entered into the record an email from Mr. Beall and Tina Weaver asking for a slightly smaller setback.

- *Supervisor Hoffman: Stated that she was not sure that a 100ft setback was enough. Referenced a solar farm on the road to Nags Head with a setback of similar size and said that the site was unsightly.*
- *Supervisor Yowell: Stated that, when the ordinance was first drafted, it was not anticipated that a solar farm would attempt to build on a lot the size of the one in question. Said he appreciated what Mr. Nicholls had said, but that the Comprehensive Plan does not say "exclusive" in regards to land use, meaning that they can do things not entirely in line with the Comprehensive Plan. Asked Mr. Fisher if he meant during his public comment that he did not want the solar facility in Madison period or if he meant that he just did not want it next to Yoder's or on Route 29.*

Mr. Fisher said he was not against it being at the Route 29 location, but that he did not want the County to get into a situation like the one Pittsylvania County is currently facing with their solar energy facility.

- *Supervisor Yowell: Suggested that the Board change the wording under B(2) in the ordinance from "shall require" to "may require".*
- *Supervisor McGhee: Stated that he would need to see the site plan for the solar facility before making a decision on either side. Likewise stated that issues such as how it looked and how close it is to other property owners should be discussed at the site-plan stage of the project. Stated that he agreed with Supervisor Yowell on the wording change.*
- *Chairman Jackson: Stated that he sympathized with Mr. Nicholls, but there are personal property rights for property owners as well. Indicated in some circumstances, a 100ft setback will not be sufficient and will be addressed by the Special Use Permit.*

Supervisor Yowell made a motion to approve Case No. OA-12-21-14 with the change of “shall” to “may” included, seconded by Supervisor McGhee.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

- B. ***Case No. SU-12-21-15:*** Alison Shafer and Brent Wagner are seeking a special use permit to operate two (2) short-term lodging rental units/cabins on a property which they own. The subject property is roughly ten (10) acres and zoned A1 (Agriculture); and in the A1 zoning district short-term lodging facilities require a special use permit. The proposed one (1) bedroom lodging units would contain roughly four hundred (400) square feet in total floor area. The subject property has an existing single-family dwelling with a postal address of 629 Rider Hollow Drive, Etlan, Virginia; the property is further identified on Madison County’s Tax Maps as 15-2B.

- *Supervisor Yowell: Acknowledged that the Planning Commission had amended the case to say: “450 square feet” rather than “roughly 400 square feet”.*

Supervisor McGhee made a motion to approve Case No. SU-12-21-15 to include a size of not-to-exceed 450 square feet for the short-term lodging units as recommended by the Planning Commission, seconded by Supervisor Hoffman.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

INFORMATION/CORRESPONDENCE

1. Board Meeting Schedule

The County Administrator informed the Board that there weren’t any items up for the second business meeting in December if the Board wished to cancel it. Also informed the Board that the annual audit is going to be at the next meeting on the 14th of December.

The Board agreed and canceled the second business meeting on the 28th of December.

PUBLIC COMMENT

Chairman Jackson opened the floor to public comment. With no public comment being brought forth, the public comment session was closed.

CLOSED SESSION

Supervisor Hoffman made a motion to convene the Board in Closed Session pursuant to Virginia Code Section:

- 2.2-3711(A)(1) for personnel

Seconded by Supervisor Yowell. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

Supervisor Hoffman made a motion to re-convene the Board in Open Session, seconded by Supervisor McGhee. ***Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).***

Supervisor Hoffman made a motion to certify by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code Sections 2.2-3711(A)(1)

and 2.2-3711(A)(8) that were identified in the motion to convene in closed session were heard, discussed, or considered in the closed meeting, seconded by Supervisor McGhee.

Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).

ADJOURN

With there being no further business to conduct, Supervisor Hoffman made a motion to adjourn, seconded by Supervisor Yowell. *Aye: Jackson, Hoffman, Foster, McGhee, Yowell. Nay: (0).*